

BOARD OF SUPERVISORS  
COUNTY OF YORK  
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Board of Supervisors held in York Hall, Yorktown, Virginia, on the \_\_\_\_ day of \_\_\_\_, 2005:

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Present

Vote

James S. Burgett, Chairman  
Walter C. Zaremba, Vice Chairman  
Sheila S. Noll  
Kenneth L. Bowman  
Thomas G. Shepperd, Jr.

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On motion of \_\_\_\_\_, which carried \_\_\_\_, the following resolution was adopted:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE THE ESTABLISHMENT OF A FOUR-PUMP AUTOMOBILE FUEL DISPENSING FACILITY AS PART OF THE FARM FRESH SHOPPING CENTER LOCATED AT 455A MERRIMAC TRAIL (ROUTE 143)

WHEREAS, FF Acquisition, L.L.C., has submitted Application No. UP-655-05, which requests a Special Use Permit, pursuant to Section 24.1-306 (Category 12, No. 2) of the York County Zoning Ordinance, to authorize the establishment of a four-pump (8 fueling station) automobile fuel dispensing facility as part of an existing shopping center on a 7.34-acre parcel of land located at 455A Merrimac Trail (Route 143) approximately 350 feet north of the intersection of Merrimac Trail and Second Street (Route 162) and further identified as Assessor's Parcel No. 10-5-2 (GPIN# F14b-2805-3373); and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the \_\_\_\_ day of \_\_\_\_\_, 2005, that Application No. UP-655-05 be, and it is hereby, approved to authorize the establishment of a four-pump (8 fueling station) automobile fuel dispensing facility as part of an existing shopping center on a 7.34-acre parcel of land located at 455A Merrimac Trail (Route 143) approximately 350 feet north of the intersection of Merrimac Trail and Second Street (Route 162) and further identified as Assessor's Parcel No. 10-5-2 (GPIN# F14b-2805-3373) subject to the following conditions:

1. This Special Use Permit shall authorize the establishment of a four-pump (8 fueling station) automobile fuel dispensing facility as part of an existing shopping center on a 7.34-acre parcel of land located at 455A Merrimac Trail (Route 143) approximately 350 feet north of the intersection of Merrimac Trail and Second Street (Route 162) and further identified as Assessor's Parcel No. 10-5-2 (GPIN# F14b-2805-3373).
2. A site plan prepared in accordance with the provisions set forth in Article V of the Zoning Ordinance shall be submitted to and approved by the Department of Environmental and Development Services, Division of Development and Compliance, prior to the commencement of any construction activities on the site. Said site plan shall be in substantial conformance with the conceptual plan titled "Conceptual Site Layout & Landscape Plan of Farm Fresh #321 Gas Pumps," prepared by MSA, P.C., dated December 1, 2004 supplemented by the building renderings submitted by the applicant, copies of which shall remain on file in the Planning Division.
3. Construction and operation of the automobile fuel dispensing facility shall be in compliance with the performance standards set forth in Sections 24.1-475, *Standards for all motor vehicle and transportation related uses*, and 24.1-477, *Standards for auto fuel dispensing establishments, service station and auto repair garages*, of the Zoning Ordinance.
4. No construction activity or parking lot modifications that would reduce the number of parking spaces below the minimum number required for the shopping center, as set forth in Section 24.1-606 of the Zoning Ordinance, shall be permitted.
5. An employee shall be present on-site at all times while the gas pump facility is in operation and open for business.
6. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.